

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY
WRIT PETITION NO : 15577 of 1994

Between:

O. Varaprasad S/o. Arjayya, 31 years,
Residential Junior College, Chintapally, Visakhapatnam Dist.

..... PETITIONER

AND

The Andhra Pradesh Residential Education Institutions Society
(Regd) rep. by its Secretary, Abid Road, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant an appropriate Writ, more in the nature of Mandamus, declaring the proceedings Rc.No.313/C1-2/93(5) dated 17-8-1994 of the respondent as arbitrary, illegal and malafide and issue a consequential direction restraining the respondent from enforcing the aforesaid orders and pass

For the Petitioner:MR.G.VEDANTHA RAO

For the Respondent No.: GP FOR EDUCATION

The Court Made the Following :

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ORDER :

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The petitioner herein was appointed by proceedings dated 29-7-1991 as Physical Director in the scale of pay of Rs. 1280-50-1780-60-2440 at Andhra Pradesh Residential Junior College, Chintapally, Visakhapatnam. He was holding the said post as on the date of filing of the writ petition against a reserved post meant for Scheduled Caste. At the relevant time of his appointment, the qualification prescribed for the post of Physical Director was (a) Graduation or

Post-graduation (b) B.P.Ed. or M.P.Ed. The Government in G.O. Ms. No.159, dated 22-04-1991, revised the pay scales as Rs.1550-3050 for the Physical Directors who possess the qualifications of degree in faculty plus M.P.Ed. By the same G.O., the qualification for the existing Physical Directors was revised as a degree in any faculty plus M.P.Ed.

The case of the petitioner is that he acquired the qualification of M.P.Ed., in June, 1993, from Marathwada University, Aurangabad, Maharashtra, and was fully qualified to hold the post of Physical Director in a Junior College. He satisfies and possesses, even the revised qualifications as prescribed by the Government.

He is aggrieved by the proceedings dated 17-08-1994 of the respondents herein, transferring him as Physical Director from A.P. Residential Schools (ST-B), Araku Valley. According to the petitioner, the same amounts to reversion, which order could not

have been passed without putting him on notice. The case set up by the petitioner is that the scale of pay of a Physical Director in the Residential Schools is Rs.1280-2440, whereas the scale of pay of a Physical Director in Junior Colleges is Rs.1550-3050. Though the order appears to be an order of simple transfer, it adversely affected not only the status but also in monetary benefits available to the petitioner.

That such an order of reversion result in far reaching civil consequences so far as the petitioner is concerned, could not have been passed by the respondent without putting him on notice. As has been rightly contended by the petitioner in the affidavit filed in support of the writ petition, the order though styled as an order of transfer, in substance, it is an order of reversion affecting the status as well as the emoluments, could not have been passed by the respondent without putting the petitioner on notice. The impugned order is liable to be set-aside on this simple ground alone.

Be it as it may, this Court by its order, dated 31-08-1994, having admitting the Writ Petition granted stay of operation of impugned proceedings and the same is subsisting as on the date. It is for the respondents to decide, if they still intend to proceed against the petitioner by putting him on notice and calling for his explanation as to why he should not be reverted.

For the aforesaid reasons, the impugned order is set aside. However, leave is granted to the respondent if they so intend to proceed further in the matter but only after putting the petitioner on notice and providing him an opportunity of being heard.

The Writ Petition is accordingly allowed. No order as to costs.

B.SUDERSHAN REDDY, J

24-06-2004.

PV/ MJL

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Andhra Pradesh Residential Education
Institutions Society

Regd., Abids, Hyderabad.

2 2 CCs to G.P. for Education

3 2 CD copies.